

**US Army Corps
of Engineers**
Louisville District ®

Public Notice

Public Notice No.
LRL-2014-235

Open Date:
23 May 2014

Close Date:
23 Jun 2014

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Ms. Jane Archer, CELRL-OP-FS, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: (502) 315-6682

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 10 of the Rivers and Harbors Act of 1899.

APPLICANT: Mulzer Crushed Stone Company, Incorporated
P.O. Box 3596
Evansville, Indiana 47734

LOCATION: Right Bank of the Ohio River from Mile 738
through 741, Spencer County, Indiana
Latitude: 37° 56' 10" N
Longitude: 86° 56' 01" W
7.5 Minute Quad: Lewisport, KY

PURPOSE: To remove sand and gravel for commercial use for
a period of 10 years.

DESCRIPTION OF WORK: The applicant is requesting authorization to remove sand and gravel from the Ohio River for a period of 10 years. Approximately 200,000 cubic yards to 400,000 cubic yards of sand and gravel would be dredged per year. The dredging would be accomplished using a floating barge processing plant with the sand and gravel separated and placed into barges tied to the processing barge. Water and material not processed would be discharged from two locations on the barge processing plant via a pipe discharging back into the Ohio River. The area to be dredged would be approximately 16,225 long by 848 feet wide (315.79 acres). Once the barges are loaded, a switch boat would take the barges to a fleeting area operated by Mulzer Crushed Stone Company located at Mile Marker 746.2 (Department of the Army Permit No. LRL-2013-981) and then return with an empty barge from this fleeting area.

The applicant has not proposed any mitigation. It is noted that this is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

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Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest, which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water

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quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Ms. Jane Archer, CELRL-OP-FS at the address noted above and should refer to the Public Notice Number LRL-2014-235-jea.

If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2014-235-jea.

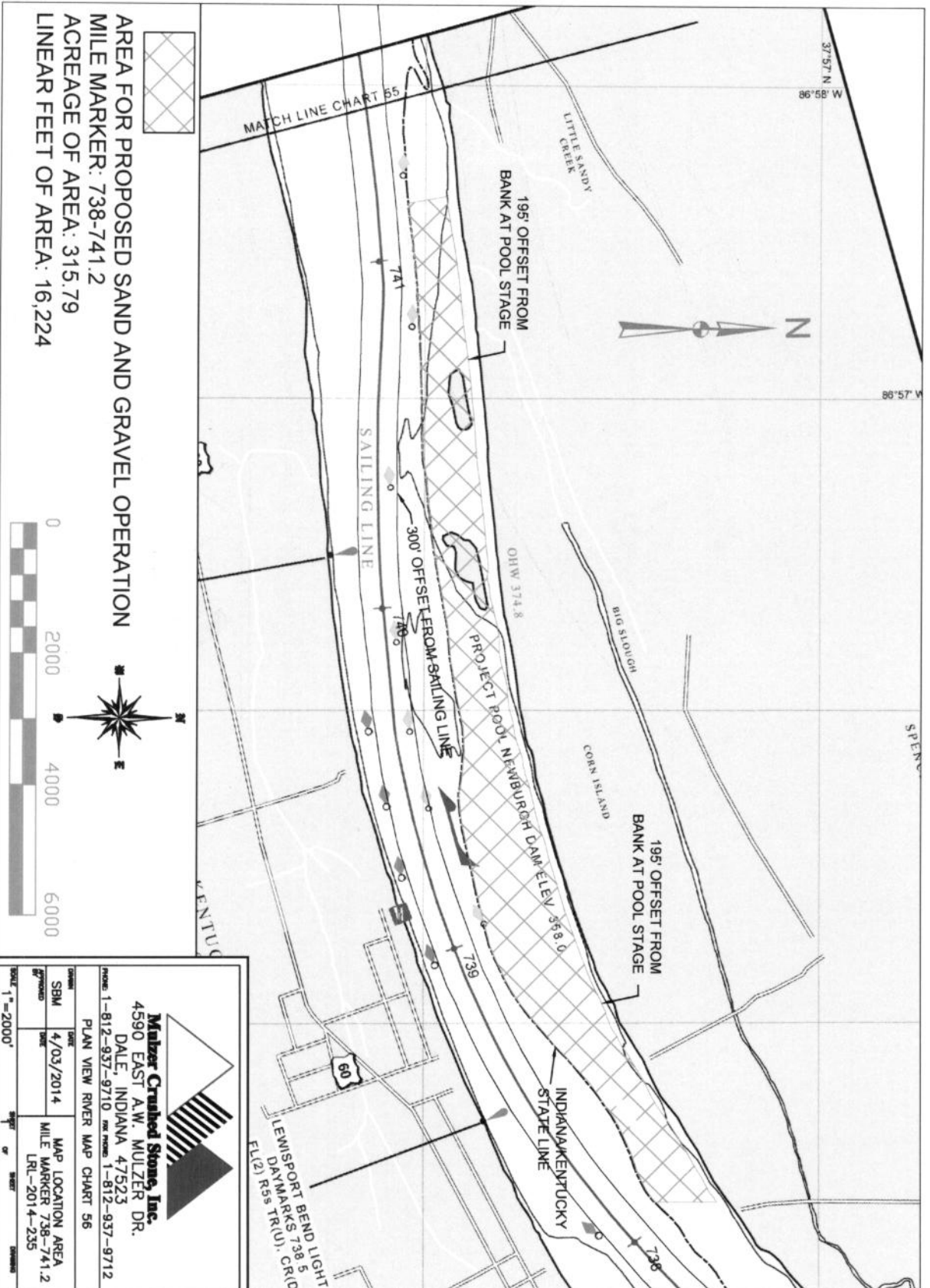
Example:

Subject: LRL-2014-235-jea

b) Provide your physical mailing address and telephone number.

c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



Meber Creeked Stone, Inc.
4590 EAST A.W. MULZER DR.
DALE, INDIANA 47523
PHONE: 1-812-937-9710 FAX: 1-812-937-9712

PLAN VIEW RIVER MAP CHART 56

DATE	4/03/2014	MAP LOCATION AREA
SBM	DATE	MILE MARKER 738-741.2
DATE	DATE	LRI-2014-235

SCALE 1"=2000'

